



**ORDINANCE NO. 6 2 4 3**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF AUBURN, WASHINGTON, CREATING A NEW  
CHAPTER 2.85 OF THE AUBURN CITY CODE RELATING  
TO PUBLIC ART**

WHEREAS, with reference to Chapter 18.29 of the Auburn City Code (ACC), the  
DUC, Downtown Urban Center District, Subsection 18.29.040 (H), the City Code states  
as follows:

“Any form of painting, mural, mosaic, sculpture, or other work of art,  
so long as it can be appraised as a work of art and its value as such is  
documented, displayed on the exterior of a building, at or near the  
pedestrian entrance, or in a public plaza, and visible to users of the public  
right of way at all times.”

WHEREAS, with reference to Chapter 18.28 ACC, the C-2, Central Business  
District, Subsection 18.28.050.F.3.e states as follows:

“If a building has more than two street frontages then at least two of  
the frontages shall comply with subsections (F)(3)(b) and (F)(3)(g) and  
contain pedestrian amenities between the building and the right of way.  
Any remaining frontages shall either have pedestrian amenities, windows,  
murals, flat surfaced art work or other similar architectural features that  
would avoid large blank walls.”

WHEREAS, the City Council wishes to encourage privately sponsored art  
throughout the City, especially in the Downtown Urban Center, and

WHEREAS, the City Council wishes to promote and maintain a high level of  
aesthetics in all artworks, both publicly sponsored and privately sponsored, within the  
City, and

WHEREAS, pursuant to Chapter 2.84 ACC, the City of Auburn Arts Commission,  
appointed by the Mayor and confirmed by the City Council, is empowered to initiate,

sponsor and conduct programs calculated to further public awareness of and interest in the visual, cultural, and performing arts, and in this regard, has expertise and specific knowledge regarding artworks that are already in place in Auburn, and

WHEREAS, the City of Auburn Arts Commission wishes to offer non-binding advice to private parties who are proposing to display artwork within the City in order to help ensure that artworks are appropriate and of high quality, and

WHEREAS, the City of Auburn Arts Commission is the recognized advisory body to the City Council and to the Mayor regarding all City sponsored artwork and also acceptance by the City of artwork gifts, and

WHEREAS, the City Planning Department is also responsible for enforcing the requirements the City's Sign code, which could implicate private artworks and wall murals, and

WHEREAS, the City Planning Department is also responsible for abating public nuisances, which could also implicate private artworks and wall murals if not maintained.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

**Section 1. CREATION OF NEW CHAPTER TO CITY CODE.** That a new Chapter 2.85 of the Auburn City Code - regarding Public Art, be, and the same is hereby created to read as follows:

Chapter 2.85  
Public Art

Sections:

- |          |                            |
|----------|----------------------------|
| 2.85.010 | Intent and purpose.        |
| 2.85.020 | Administrative Provisions. |

2.85.030 Compliance with other codes and laws.

2.85.010 Intent and purpose.

The

A. The overall purpose of this Chapter is to enhance and maintain the aesthetic character, to promote the public health, safety and general welfare, and to increase the effectiveness of visual communication in the city.

B. This Chapter is intended to promote a visual display of businesses and structures within the City so as to avoid visual clutter that may adversely impact traffic and pedestrian safety, or be adverse to property values, business opportunities and the city's appearance and to prevent and abate public nuisances.

C. This Chapter is also intended to establish a mechanism for giving suggestions and advice from City Planning staff to private parties regarding the construction, location, use and maintenance of all privately sponsored art that is visible from the public right of way.

D. This Chapter is also intended to ensure compliance with ACC 18.56, Signs, ACC 18.29, DUC, Downtown Urban Center District, and ACC 18.28, C-2, Central Business District, without unduly burdening commercial speech.

2.85.020 Administrative Provisions.

A. All persons proposing to display artwork, especially wall murals, that will be visible from the public right of way, are requested and encouraged to contact the City Planning Department, providing the department with a high quality representation of the artwork. The Planning Department shall determine whether the proposed artwork represents a sign as defined in ACC 18.56, in which case, the permitting provisions of ACC 18.56 shall apply. If the Planning Department determines that the proposed artwork does not constitute a sign as defined in ACC 18.56, then the Planning Department staff shall promote and encourage following the provisions of this Chapter as follows:

1. The proponent is encouraged to consult with the City Cultural Arts Department and the City of Auburn Arts Commission to ensure that their proposed artwork will not have problems integrating into the artistic fabric of Auburn.

2. The proponent is encouraged to enter into Agreements for maintenance of the artwork, to avoid degradation, and to avoid the artwork from falling into a state of dilapidation becoming a public nuisance.

3. The proponent is encouraged to enter into Agreements for subsequent modifications to the artwork, to ensure continued compliance with the City Sign Code, and to promote continued appropriate aesthetics.

B. All persons wishing to make a gift of artwork to the City shall consult with the City Cultural Arts Department and the City of Auburn Arts Commission to gain seek approval of the City's to acceptance of it. The City of Auburn Arts Commission will determine recommend to the City Council its position on whether the gift is appropriate for the City to own and whether there should be will determine conditions such as location and maintenance of the artwork, if it is approved for acceptance. The final decision on such recommendations shall be by the City Council.

2.85.030 Compliance with other codes and laws.

Nothing in this Chapter authorizes the installation, establishment or use of a sign, mural or artwork that is in violation of City Codes, or state or federal law.

**Section 2. Implementation.** The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this ordinance.

**Section 3. Severability.** If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

**Section 4. Effective date.** This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication, as provided by law.

INTRODUCED: \_\_\_\_\_

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
PETER B. LEWIS  
MAYOR

ATTEST:

\_\_\_\_\_  
Danielle E. Daskam,  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Daniel B. Heid,  
City Attorney

PUBLISHED: \_\_\_\_\_